

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

Case No. 04-cr-80773

v.

Paul D. Borman
United States District Judge

GEORGE S. SCANTLAND,

Defendant/Movant.

Paul J. Komives
United States Magistrate Judge

**OPINION AND ORDER DENYING APPLICATION TO PROCEED IN FORMA
PAUPERIS ON APPEAL (Dkt. No. 122)**

On May 2, 2011, the Court entered an Order (1) adopting the Report and Recommendation denying Defendant's Motion to Vacate, Set Aside, or Correct his sentence, (2) denying Defendant a Certificate of Appealability, and (3) denying Defendant's Motions for Default Judgment, to Unseal the Grand Jury Transcripts, and for New Trial. (Dkt. No. 115.) Now before the Court is Defendant's Application to Proceed Without Prepaying Fees or Costs.¹

In its May 2, 2011 Order, the Court adopted the reasoning of the Magistrate Judge, and denied Defendant a Certificate of Appealability, finding that the issues presented by Defendant were not debatable among jurists of reason. *See Hicks v. Johnson*, 186 F.3d 634, 636 (5th Cir. 1999) (citations omitted). Accordingly, the Court further concludes that Petitioner should not be granted

¹Defendant filed an Application to Proceed Without Prepaying Fees or Costs in the District Court. However, Defendant filed his Notice of Appeal on February 13, 2012 (Dkt. No. 120), and appears to be requesting a waiver of fees on appeal.

leave to proceed *in forma pauperis* on appeal as any appeal would be frivolous and cannot be taken in good faith. See Fed. R. App. P. 24(a).

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "Paul D. Borman", written over a horizontal line.

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated:

3-9-12